

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
Walter Olenick and M. Rae Nadler-Olenick) File No.: EB-FIELDSCR-13-00010527
Austin, Texas) NAL/Acct. No.: 201432540001
) FRN: 0023366628

MEMORANDUM OPINION AND ORDER

Adopted: August 19, 2014

Released: August 19, 2014

By the Deputy Chief, Enforcement Bureau:

1. We deny the Petition for Reconsideration filed by Walter Olenick and M. Rae Nadler-Olenick seeking reconsideration of the Forfeiture Order in this proceeding. In the Forfeiture Order, the Enforcement Bureau imposed a \$15,000 penalty on Mr. and Mrs. Olenick for operating an unlicensed radio station in Austin, Texas, in violation of Section 301 of the Communications Act of 1934, as amended (Act).

2. Upon review of the Petition for Reconsideration and the entire record, we conclude that Mr. and Mrs. Olenick failed to comply with the requirements of Section 1.106 of the Commission's rules (Rules). In particular, the Petition for Reconsideration relies on arguments that have been fully considered and rejected by the Enforcement Bureau in the Forfeiture Order. The Enforcement Bureau properly decided the matters raised, and we therefore affirm the Forfeiture Order for the reasons stated therein.

3. Accordingly, IT IS ORDERED that, pursuant to Section 405 of the Act and Section 1.106 of the Rules, the Petition for Reconsideration filed by Walter Olenick and M. Rae Nadler-Olenick is hereby DENIED, and the Forfeiture Order IS AFFIRMED.

4. IT IS FURTHER ORDERED that, pursuant to Section 503(b) of the Act and Sections 0.111, 0.311, and 1.80 of the Rules, Walter Olenick and M. Rae Nadler-Olenick ARE JOINTLY AND SEVERALLY LIABLE FOR A MONETARY FORFEITURE in the amount of fifteen thousand dollars (\$15,000) for willful and repeated violations of Section 301 of the Act.

1 Letter from Walter Olenick and M. Rae Nadler-Olenick to Dennis P. Carlton, Regional Director, South Central Region, Enforcement Bureau (June 26, 2014) (on file in EB-FIELDSCR-13-00010527) (Petition for Reconsideration).

2 Walter Olenick and M. Rae Nadler-Olenick, Forfeiture Order, 29 FCC Red 5901 (Enf. Bur. 2014) (Forfeiture Order).

3 47 U.S.C. § 301.

4 47 C.F.R. § 1.106.

5 See 47 C.F.R. § 1.106(p)(3).

6 47 U.S.C. § 405; 47 C.F.R. § 1.106.

7 47 U.S.C. § 503(b); 47 C.F.R. §§ 0.111, 0.311, 1.80.

8 47 U.S.C. § 301.

5. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules within thirty (30) calendar days after the release date of this Memorandum Opinion and Order.⁹ If the forfeiture is not paid within the period specified, the case may be referred to the U.S. Department of Justice for enforcement of the forfeiture pursuant to Section 504(a) of the Act.¹⁰ Walter Olenick and M. Rae Nadler-Olenick shall send electronic notification of payment to SCR-Response@fcc.gov on the date said payment is made.

6. The payment must be made by check or similar instrument, wire transfer, or credit card, and must include the NAL/Account Number and FRN referenced above. Regardless of the form of payment, a completed FCC Form 159 (Remittance Advice) must be submitted.¹¹ When completing the FCC Form 159, enter the Account Number in block number 23A (call sign/other ID) and enter the letters “FORF” in block number 24A (payment type code). Below are additional instructions Walter Olenick and M. Rae Nadler-Olenick should follow based on the form of payment they select:

- Payment by check or money order must be made payable to the order of the Federal Communications Commission. Such payments (along with the completed Form 159) must be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.
- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. To complete the wire transfer and ensure appropriate crediting of the wired funds, a completed Form 159 must be faxed to U.S. Bank at (314) 418-4232 on the same business day the wire transfer is initiated.
- Payment by credit card must be made by providing the required credit card information on FCC Form 159 and signing and dating the Form 159 to authorize the credit card payment. The completed Form 159 must then be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.

7. Any request for making full payment over time under an installment plan should be sent to: Chief Financial Officer—Financial Operations, Federal Communications Commission, 445 12th Street, S.W., Room 1-A625, Washington, DC 20554.¹² If Walter Olenick and M. Rae Nadler-Olenick have questions regarding payment procedures, they should contact the Financial Operations Group Help Desk by phone, 1-877-480-3201, or by e-mail, ARINQUIRIES@fcc.gov.

⁹ 47 C.F.R. § 1.80.

¹⁰ 47 U.S.C. § 504(a).

¹¹ An FCC Form 159 and detailed instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

¹² See 47 C.F.R. § 1.1914.

8. **IT IS FURTHER ORDERED** that a copy of this Memorandum Opinion and Order shall be sent by both First Class and Certified Mail, Return Receipt Requested, to Walter Olenick and M. Rae Nadler-Olenick at their address of record.

FEDERAL COMMUNICATIONS COMMISSION

William Davenport
Deputy Chief
Enforcement Bureau